

**From:** [Darlene Gregory](#)  
**To:** [Gary Moore/R6/USEPA/US@EPA](#)  
**Cc:** [Theresa Nix](#); [Michelle Back](#)  
**Subject:** FW: Immediate Attention Needed Bergner invoices for Falcon Refinery/Lazarus Energy  
**Date:** 06/01/2012 12:28 PM  
**Attachments:** [20120529133219398.pdf](#)

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Dear Mr. Moore:

I am the Chairman of the Board of Directors for Gainco, Inc. Despite my best efforts by telephone and email, I have been unsuccessful at reaching either Mr. Bergner or Mr. Carroll with regard to these seriously past due invoices. Mr. Bergner did speak to our Admin Assistant, Michelle Back, last week, and maintains the invoices "aren't his, they belong to Lazarus". Why it took him three months to share that information is beyond my understanding.

I did speak to Mr. Wilson, Project Manager at Falcon Refinery, who informed me two days ago by telephone that he would forward the email below to Mr. Carroll and "take care of it". At this time, neither Bergner and/or Lazarus Energy has seen fit to respond. The Board's position is that we will pull our crews, equipment and tanks from Falcon next week if we do not receive the seriously past due \$52K owed to Gainco for services rendered. Our exposure through 5/19/12 with Bergner and Lazarus Energy is over \$112K, and we've not yet billed for the balance of May's services, which I anticipate to be at least another \$50K.

While we value the opportunity to assist Lazarus, unless we get a response today, we are unwilling to supply service without compensation, and will take appropriate action.

It is my understanding that there may be some sort of "escrow fund" held by the EPA. If that is so, how do I go about applying for the funds to satisfy our invoices? I would appreciate any assistance you could give me with this matter.

Darlene K. Gregory, President  
EMW Productions, LLC dba East Meets West Productions  
EMW Financial Management, LLC  
Waterfront Communications, LLC  
1024 Leopard Street  
Corpus Christi, TX 78401  
Tel: 361-904-0044 Cell: 361-779-4399 Fax: 361-904-0256  
[dgregory@eastmeetswestproductions.com](mailto:dgregory@eastmeetswestproductions.com)

-----Original Message-----

From: Darlene Gregory [<mailto:dgregory@eastmeetswestproductions.com>]  
Sent: Wednesday, May 30, 2012 5:23 PM  
To: [Johnathan.Carroll@lazarusenergy.com](mailto:Johnathan.Carroll@lazarusenergy.com)  
Cc: [Theresa Nix](#); [Michelle Back](#); [swilsonwse@gmail.com](mailto:swilsonwse@gmail.com)  
Subject: FW: Immediate Attention Needed Bergner invoices for Falcon Refinery/Lazarus

Dear Mr. Carroll:

I am the Chairman of the Board for Gainco, Inc. The Board met today and is concerned about the age of some invoices for the Falcon Refinery work we have performed. As of today, we have \$111,413.77 in outstanding invoices to your company that are unpaid. The oldest invoice is 98 days old, dated 2/21/12, for \$50,371.77 and was originally invoiced to Richard Bergner, who informed us this invoice should have been paid by Lazarus Energy. There are two smaller invoices, also attached, that date back to March, bringing the seriously past due invoices to \$52,783.77. If you do not have the most current invoices, dated 5/11 and 5/19 respectively, totaling \$58,630.00, I will provide them upon your reply.

While we value your business, we must receive payment for these past due invoices immediately, and current invoices are due upon receipt. Generally, we extend a 30 day courtesy to our clients to pay their invoices, before adding interest charges of 18% on all outstanding balances. I am certainly willing to waive interest charges on these invoices, but we must receive payment on the \$52,783.77 invoice by close of business tomorrow, Thursday, May 31, 2012. We accept bank wire, corporate check or credit card as forms of payment. Should you need wiring instructions or a Gainco staff member to pick up a check, we will be happy to do so.

Please respond with your desired method of payment to myself or Ms. Theresa Nix, President, who may be reached at [tnix@gaincoinc.com](mailto:tnix@gaincoinc.com).

As Lazarus Energy is a new client, we'd appreciate a contact person in your accounting department who is responsible for the processing of accounts payable. Billing address for invoices, and a telephone number and email address would be most helpful.

Once again, Mr. Carroll, we value your business and look forward to a long and mutually beneficial partnership with you and Lazarus Energy. I am traveling on business today, so don't hesitate to call my cell phone below should you have any questions or concerns. Thank you for your immediate attention to this matter.

Best regards,

Darlene K. Gregory, President  
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dgregory@eastmeetswestproductions.com

-----Original Message-----

From: Theresa Nix [mailto:tnix@gaincoinc.com]  
Sent: Tuesday, May 29, 2012 2:09 PM  
To: Darlene Gregory  
Subject: Bergner invoices

On 5/29/12 8:32 AM, "tnix@gaincoinc.com" <tnix@gaincoinc.com> wrote:

>This E-mail was sent from "RNPAD1AB8" (Aficio 2020D).

>

>Scan Date: 05.29.2012 13:32:19 (+0000)

>Queries to: tnix@gaincoinc.com